REMARKS

Applicant appreciates the Examiner's thorough examination of the present application, and submits that these remarks are without prejudice as to patentability, including as to any doctrine of equivalents issues.

As an initial matter, Applicants thank the Examiner for the acknowledgment and admission that none of the references discloses or suggests the problem or its cause as recognized by Applicants (paragraph 5, lines 3-4, of Official Action). In turn, and in view of this admission, Applicants submit that the argument set forth by the Examiner that it is enough that the references suggest doing what Applicants did is both misplaced and a clear admission of improper hindsight. Applicants respectfully submit that it is a logical impossibility under 35 U.S.C. § 103 analysis to admit on the one hand that the "references do not disclose or suggest the existence of applicant's problem or its cause" and for there to be some type of proper motivation to combine reference as required by *In re Kotzab* and numerous other cases. Section 103 references by themselves simply cannot "suggest doing what applicants did" if there is no recognition of the problem and no evidence supplied by the Examiner on why one skilled in the art would have any motivation to combine references, namely *Brattain et al., Nazem et al.*, and Lukose (paragraphs 1-2 of Office Action), as well as *Phillips et al.* and *Meyer et al.* (paragraphs 3-4 of Official Action).

For example, simply pointing out piecemeal sections of references and "nakedly" setting forth that it would be obvious to one of ordinary skill in the art to combine these references fails to meet the *prima facie* standards of obvious, is no evidence of motivation to combine, evidences improper hindsight, and is simply wrong application of the MPEP procedures and the law by the Examiner. Also, simply citing the law back to Applicants (see also paragraph 5, pages 5-6, of Office Action) does not satisfy this required evidence to be supplied by the Examiner or at least other reasons on why motivation to combine in this instance is proper. Accordingly, Applicants respectfully submit that the Examiner has not set forth a proper *prima facie* case of obviousness and, at a minimum, the final status of this action is improper.

Although the Examiner has rejected Claims 1-16 under 35 U.S.C. § 103 as being unpatentable over *Brattain et al.* in view of *Nazem et al.* or Lukose and further in view of

Phillips et al. or *Meyer et al.*, Applicants submit that there is no recognition in the references, as admitted by the Examiner, of the problem or cause, there is no evidence of motivation to combine these references, and improper hindsight is being used. Therefore, Applicants respectfully submit that Claims 1-16 are non-obvious and define over the cited art.

CONCLUSION

In view of the remarks set forth herein, Applicants respectfully submit that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Respectfully submitted,

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